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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/657,653	09/08/2003	David K. Haller	TEC1211-01	2842
832	7590	03/16/2004	EXAMINER	
BAKER & DANIELS 111 E. WAYNE STREET SUITE 800 FORT WAYNE, IN 46802			TRIEU, THERESA	
			ART UNIT	PAPER NUMBER
			3748	

DATE MAILED: 03/16/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/657,653

Applicant(s)

HALLER, DAVID K.

Examiner

Theresa Trieu

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-5 and 11-14 is/are allowed.
- 6) ☒ Claim(s) 6, 8-10 is/are rejected.
- 7) ☒ Claim(s) 7 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on September 8, 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date September 08, 2003.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

DETAILED ACTION

Drawings

1. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description: "114" (see page 7, [0022] paragraph, line 3) and "210, 212, 214, 214" (see page 11, [0033] paragraph). A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Information Disclosure Statement

2. The listing of references in the specification is not a proper information disclosure statement. 37 CFR 1.98(b) requires a list of all patents, publications, or other information submitted for consideration by the Office, and MPEP § 609 A(1) states, "the list may not be incorporated into the specification but must be submitted in a separate paper." Therefore, unless the references have been cited by the examiner on form PTO-892, they have not been considered.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 6, 8-11 are rejected under 35 U.S.C. 102(b) as being anticipated by Noburu et al. (Noburu) (Patent Number 6,050,794).

Regarding claims 6, as shown in Fig. 1, Noburu discloses a horizontal compressor assembly comprising a housing (2); a lower portion defining an oil sump (41); a compressor mechanism (20) and a motor (10) disposed in the housing; a shaft (13) having a first end operably coupled to the compressor mechanism (20), a second end of the shaft extending outwardly from the motor (10); a bearing support secured within the housing (2), the bearing support including a radially inner shaft support member (not numbered; however, clearly seen in Fig. 1), a radially outer support member (not numbered; however, clearly seen in Fig. 1), and plurality of support arms (7) extending between the inner and outer support members, the radially outer surface and the housing defining a gap (44D, 44B) at a lowermost portion of the outer support member that is disposed in the oil sump.

Regarding claims 8-11, Noburu further discloses the bearing support (not numbered; however, clearly seen in Fig. 1), the motor (10) and the shaft (13) are disposed in the low pressure chamber; the compressor mechanism comprising a fixed scroll member (23) engaged with the orbiting scroll member (33) and operable coupled to the first end of the shaft (13); the radially outer surface of the outer support member and the housing (2) defining a second gap (44A) disposed vertically above the oil sump.

Allowable Subject Matter

4. Claims 1-5 and 11-14 are allowed.

The following is an examiner's statement of reasons for allowance: The prior art fails to disclose or render obvious the claimed combination including a bearing support including a

radially inner shaft support member, a radially outer support member, and plurality of support arms extending between the inner and outer support members, the radially outer surface and the housing defining a gap at a lowermost portion of the outer support member that is disposed in the oil sump and the lowermost of the outer support member extending for an arc 120 degrees between lowermost adjacent support arms.

5. Claim 7 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Prior Art

The IDS (PTO-1449) filed on November 12, 2000 has been considered. An initialized copy is attached hereto.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure and consists of four patents.

Machida et al. (Patent Number 5,137,437) disclose a scroll compressor with improved bearing.

Yamamoto et al. (Patent Number 5,810,572) disclose a scroll compressor having an auxiliary bearing for the crankshaft.

Takeuchi et al. (Patent Number 6,039,551) disclose a gear pump for use in an electrical operated sealed compressor.

Kawahara et al. (Publication Number JP 10-148191) discloses a horizontal scroll compressor.

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Abe et al. (Publication Number JP 2002-098056) discloses a hermetic closed type electric compressor.

Communication

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Theresa Trieu whose telephone number is 703-308-6434. The examiner can normally be reached on Monday-Thursday 7:30am- 6:00pm - Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas E Denion can be reached on 703-308-2623. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

TT

March 11, 2004



Theresa Trieu

Patent Examiner

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